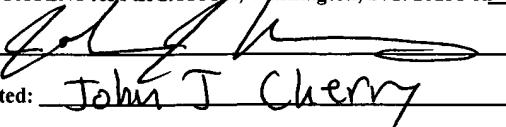


P. Hillman
M. Newland
01-28-99

Docket # PF-0229-1 DIV



"Express Mail" mailing label number EL 002 075 562 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Assistant Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C. 20231 on 8 Dec 98

By: 

Printed: John J. Cherry

jc549 U.S. PTO
09/208619
12/08/98

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 08/812,645, filed on March 7, 1997, entitled NOVEL HUMAN MITOCHONDRIAL MEMBRANE PROTEIN.

1. Enclosed is a copy of the prior application, U.S. Application Serial No. 08/812,645, filed March 7, 1997, including the oath or declaration as originally filed.
2. With regard to the requirement of 37 CFR 1.821(d), which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants submit that the computer readable form of the "Sequence Listing" in the instant divisional application is identical with that filed for Serial No. 08/812,645, filed March 7, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/812,645 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. Cancel in this application original claims 2-10 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
4. The inventors of the invention being claimed in this application are: Jennifer L. Hillman and Surya K. Goli.

5. In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on June 27, 1997, is enclosed.

- A/*
6. Amend the specification by inserting before the first line the sentence, "This application is a divisional application of U.S. application serial number 08/812,645, filed March 7, 1997."

7. The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
Total Claims	7	-20	0	x \$18		\$0
Indep. Claims	1	-3	0	x \$78		\$0
<u>— Multiple Dependent Claim(s), if any</u>			<u>+ \$670</u>		\$0	

TOTAL FILING FEE \$ 760.00

8. An extension of time in the above-named prior application has been requested and the fees therefor have been authorized in said application.
9. Please charge Incyte Pharmaceuticals, Inc. Deposit Account No. 09-0108 in the amount of \$ 760.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Incyte Pharmaceuticals, Inc. Deposit Account No. 09-0108.

Duplicate copies of these papers are enclosed.

10. New formal drawings are enclosed.
11. The prior application is assigned of record to Incyte Pharmaceuticals, Inc.
12. A preliminary amendment is enclosed.
13. Also enclosed: Return Postcard, Information Disclosure Statement, List of Cited References (1449), and copy of previously submitted Associate Power of Attorney.

14. The power of attorney of the prior application is to:

LUCY J. BILLINGS, ESQ. Reg. No. 36,749
MICHAEL C. CERRONE, Ph.D, ESQ. Reg. No. 39,132

The associate power of attorney in the prior application is to:

SHEELA MOHAN-PETERSON, ESQ. Reg. No. 41,201
COLETTE C. MUENZEN, ESQ. Reg. No. 39,784
KAREN J. ZELLER, ESQ. Reg. No. 37,071

a. An associate power of attorney is attached.

b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. Address all future correspondence to:

INCYTE PHARMACEUTICALS, INC.
PATENT DEPARTMENT
3174 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 849-8886

Date: 3 December 98

By:

Leanne C. Price
Leanne C. Price
Reg. No. 42,090

Inventor(s)

Assignee of complete interest

Attorney or agent of record

Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a) 42,090.